



Legislative Research Council

RULES REVIEW COMMITTEE MINUTES

**Three hundred twenty-first meeting
Tuesday
April 3, 2012**

**Room 414
State Capitol
Pierre, South Dakota**

The three hundred twenty-first meeting of the Rules Review Committee was called to order by Chair Senator Jean Hunhoff at 9:33 a.m. CDT, April 3, 2012, in Room 414 at the State Capitol, Pierre, South Dakota, and via the Digital Dakota Network (DDN) at the following locations: Northern State University, 1200 S. Jay St., Room Lib 117, Aberdeen, South Dakota; Department of Human Services, 2361 Dakota Ave. S., Huron, South Dakota; University Center, 4300 Cheyenne Blvd., Room UC 113, Rapid City, South Dakota; University Center, 4801 N. Career Ave., Room FADM 153, Sioux Falls, South Dakota; and Department of Transportation, 1306 W. 31st St., Yankton, South Dakota.

A quorum was determined with the following members answering the roll call: Senators Angie Buhl, Jean Hunhoff (Chair), and Mike Vehle; and Representatives Peggy Gibson and Roger Hunt. Representative R. Shawn Tornow (Vice Chair) was excused. Staff members present were Doug Decker, Code Counsel, and Kris Schneider, Senior Legislative Secretary. All members appeared via DDN except Senators Buhl and Vehle who were in Pierre.

All material distributed at the meeting is attached to the original minutes on file in the Legislative Research Council (LRC). For the purpose of continuity, these minutes are not necessarily in chronological order. This meeting was recorded by South Dakota Public Broadcasting. The archived recording is available at the LRC website at <http://legis.state.sd.us> under "Interim Information – Minutes and Agendas."

Approval of Minutes

Representative Hunt moved, seconded by Senator Vehle, that the minutes of the December 20, 2011, and March 1, 2012, meetings be approved. Motion prevailed on a roll call vote with 5 ayes and 1 excused. Members voting aye: Buhl, Gibson, Hunhoff, Hunt, and Vehle. Member excused: Tornow.

Rules Reviewed

Department of Health: Board of Massage Therapy – Amend rules to eliminate duplication in the complaint process and identify the schools acceptable for licensing applicants.

Ms. Joyce Vos, Executive Secretary, Board of Massage Therapy, reviewed the proposed rules.

Representative Gibson moved, seconded by Representative Hunt, to approve the rules proposed by the Department of Health: Board of Massage Therapy. Motion prevailed on a roll call vote with 5 ayes, 1 excused. Members voting aye: Buhl, Gibson, Hunhoff, Hunt, and Vehle. Member excused: Tornow.

Department of Game, Fish and Parks – Amend Public Water Zoning rules to create a "no wake zone" on Richmond Lake (Brown County), Mina Lake (Edmunds County), and Lake Mitchell (Davison County) during certain periods of high water, amend the boundaries of the existing "no wake zone" on the west end of Lake Mitchell (Davison County), create an "electric motors zone" on the waters of Rollings Game Production Area (Lincoln County), amend an existing "no motors zone" to an "electric motors zone" on the waters of Family Park (Minnehaha County), and amend an existing "public swimming zone" to a "no wake zone" on the waters of Lewis and Clark Lake (Yankton County) adjacent to Canary Beach; amend Motorboats and Watercraft rules to clarify that Coast Guard approved fire extinguishers carried on boats must be in working order, and revise the provisions for emergency signals on law enforcement and emergency rescue boats; amend West River Prairie Deer Season and Hunting License Fees rules to increase the number of both resident and nonresident "special any deer" licenses from 500 to 600 and increase the license fee for nonresident licenses from \$500 to \$600; and amend a Snagging of Paddlefish rule to clarify that the length restrictions in rule only apply to paddlefish snagged below Gavin's Point Dam.

Mr. Tony Leif reviewed the proposed rules. He noted the proposed rules regarding the waters of Family Park (Minnehaha County), and the two rules regarding the issuance of "special any deer" licenses and fees had been withdrawn by the commission.

Representative Gibson moved, seconded by Senator Buhl, to approve the rules proposed by the Department of Game, Fish and Parks. Motion prevailed on a roll call vote with 5 ayes, 1 excused. Members voting aye: Buhl, Gibson, Hunhoff, Hunt, and Vehle. Member excused: Tornow.

Department of Transportation – Amend a speed zone in Turner County on U.S. Highway 18 near Davis.

Mr. Bill Nevin reviewed the proposed rule.

Senator Hunhoff moved, seconded by Representative Gibson, to approve the rule proposed by the Department of Transportation. Motion prevailed on a roll call vote with 5 ayes, 1 excused. Members voting aye: Buhl, Gibson, Hunhoff, Hunt, and Vehle. Member excused: Tornow.

Department of Transportation – Amend a speed limit on two segments of SD Highway 42 in Minnehaha County from 65 miles per hour to 55 miles per hour.

Mr. Nevin reviewed the proposed rule.

Representative Hunt requested additional information on the location of the speed changes in relationship to Six Mile road and Highway 11 going north. Mr. Nevin stated that he would provide him with the information after the meeting.

Senator Buhl moved, seconded by Representative Gibson, to approve the rule proposed by the Department of Transportation. Motion prevailed on a roll call vote with 4 ayes, 1 nay, 1 excused. Members voting aye: Buhl, Gibson, Hunhoff, and Vehle. Member voting nay: Hunt. Member excused: Tornow.

Department of Transportation – Amend rules to make farm wineries licensed pursuant to SDCL 35-12-2 eligible for tourist-oriented directional signing in the highway right-of-way under certain conditions; include farm wineries in the definition of "services of motorists;" add farm winery advertising panels into the rules for authorized business signs; and provide minimum eligibility requirements of farm wineries.

Department of Transportation – Amend Tourist-Oriented Directional Signing-on Right of Way rules to prohibit tourist-oriented directional signage from being located within the corporate limits of a municipality; prohibit tourist-oriented directional signage for a business located within the corporate limits of a municipality; and provide specifications for the size, coloring, and design requirements for tourist-oriented directional signing.

Mr. Nevin reviewed the proposed rules regarding signage for farm wineries. He noted that only ARSD § 70:04:07:02.01 – the logo sign rule was approved at the January 26th commission meeting. At the March 22nd commission meeting, ARSD §§ 70:04:07:03 and 70:04:07:07 regarding Tourist-Oriented Directional Signing – On Right of Way were approved; however due to the amount of comments/questions received regarding how ARSD § 70:04:07:03 would affect tourism, the department withdrew that proposed rule.

Public Testimony

Mr. Jim Schade, Volga, owner of Schade Winery, representing the South Dakota Winegrowers, spoke in support of the proposed rules.

A brief discussion was held regarding the exception for farm wineries and other signage restrictions and requirements.

Representative Gibson moved, seconded by Senator Vehle, to approve both rules proposed by the Department of Transportation.

Senator Buhl moved, as a substitute motion, that only ARSD § 70:04:07:07 be approved as proposed by the Department of Transportation. Motion died for lack of a second.

Senator Hunhoff moved, as a substitute motion, seconded by Representative Hunt, that both rules proposed by the Department of Transportation be reverted back to a prior step for further hearing. Motion prevailed on a roll call vote with 4 ayes, 1 nay, 1 excused. Members

voting aye: Buhl, Hunhoff, Hunt, and Vehle. Member voting nay: Gibson. Member excused: Tornow.

Department of Health: Board of Dentistry – Amend rules to remove obsolete provisions and references, update references, clarify existing rules relating to requirements of dentists and dental hygienists seeking licensure, clarify existing rules relating to foreign trained dentists and dental hygienists seeking licensure, amend continuing education requirements to increase the number of hours of home study courses that can be claimed in a five year continuing education cycle, clarify cardiopulmonary resuscitation courses that are accepted, extend corporation renewal deadline, increase fees across licensee and registrant categories, and implement collaborative supervision rules.

Ms. Brittany Novotny, Executive Secretary, Board of Dentistry, reviewed the proposed rules.

Representative Hunt moved, seconded by Senator Buhl, to approve the rules proposed by the Department of Health: Board of Dentistry. Motion prevailed on a roll call vote with 5 ayes, 1 excused. Members voting aye: Buhl, Gibson, Hunhoff, Hunt, and Vehle. Member excused: Tornow.

Department of Revenue: Commission on Gaming – Amend a Racing rule to clarify that wagers through multi-jurisdictional totalizator hubs are done without using simulcast site facilities or equipment; amend Gaming rules to clarify that the bonus bet is an optional bet and to clarify when the three card option should be utilized with the play Let it Ride; add an additional pay table to Ultimate Texas Hold'em; add a variation of poker known as Casino War; delete the reference to meter sign reconciliation; clarify which forms are to be used in a jackpot payout; remove a function that is not a count team function and clarify the rule; clarify which forms are to be used whenever funds are distributed to a slot machine; address storage issues for operators due to the large number of vouchers redeemed daily; and adopt the 2009 edition, including appendix chapters, of the International Building Code.

Mr. Larry Eliason, Executive Secretary, **Mr. Mike Shaw**, Pierre, Legal Counsel, and **Mr. Craig Sparrow**, representing the Commission on Gaming, reviewed the proposed rules. It was noted that rule change regarding the play Let it Ride had been withdrawn.

Mr. Ryan Yee, Las Vegas, Nevada, representing Shuffle Master Inc., responded to a question regarding the addition of a second pay table for Ultimate Texas Hold'em.

Representative Gibson moved, seconded by Senator Vehle, to approve the rules proposed by the Department of Revenue: Commission on Gaming. Motion prevailed on a roll call vote with 5 ayes, 1 excused. Members voting aye: Buhl, Gibson, Hunhoff, Hunt, and Vehle. Member excused: Tornow.

Next Meeting Schedule

The next meeting of the Interim Rules Review Committee will be held on Tuesday, May 29, 2012, in Pierre.

Committee Discussion

Several members expressed their concerns regarding the ongoing problems that the committee has incurred using the DDN. Chair Hunhoff will send a letter to Mr. Fry and the director of IT asking for an explanation and a solution.

Adjournment

Senator Vehle moved, seconded by Representative Gibson, that the meeting be adjourned. Motion prevailed on a voice vote.

Chair Hunhoff adjourned the meeting at 12:38 p.m.



All Legislative Research Council committee minutes and agendas are available at the South Dakota Legislature's Homepage: <http://legis.state.sd.us>. Subscribe to receive electronic notification of meeting schedules and the availability of agendas and minutes at **MyLRC** (<http://legis.state.sd.us/mylrc/index.aspx>).